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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/402,232 09/30/99 ESKUCHEN

R H-2849-PCT/U

023657 HM12/0404
COGNIS CORPORATION
2500 RENAISSANCE BLVD., SUITE 200
GULPH MILLS PA 19406

EXAMINER

MAIER, L

ART UNIT

PAPER NUMBER

1623

DATE MAILED:

04/04/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

Advisory Action

Application No.

09/402,232

Applicant(s)

Eskuchen

Examiner

Leigh Maier

Group Art Unit

1623



THE PERIOD FOR RESPONSE: [check only a) or b)]

- a) ☒ expires 83 months from the mailing date of the final rejection.
- b) ☐ expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

- ☐ Appellant's Brief is due two months from the date of the Notice of Appeal filed on _____ (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

Applicant's response to the final rejection, filed on Mar 26, 2001 has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:

- ☐ The proposed amendment(s):
- ☐ will be entered upon filing of a Notice of Appeal and an Appeal Brief.
 - ☐ will not be entered because:
 - ☐ they raise new issues that would require further consideration and/or search. (See note below).
 - ☐ they raise the issue of new matter. (See note below).
 - ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
 - ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: _____

- ☐ Applicant's response has overcome the following rejection(s): _____

- ☐ Newly proposed or amended claims _____ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.

- ☒ The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:

See attached page.

- ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

- ☒ For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):

Claims allowed: _____

Claims objected to: _____

Claims rejected: 11-24

- ☐ The proposed drawing correction filed on _____ ☐ has ☐ has not been approved by the Examiner.

- ☐ Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

- ☐ Other

Kathleen Kahler Fonda
Kathleen Kahler Fonda
Primary Examiner
Art Unit 1623

Art Unit: 1623

ADVISORY ACTION

Applicant traverses the rejections under 35 U.S.C. § 102(b) and 103(a) by pointing out the difference between the present invention and Carduck: "The Carduck reference. . . *requires* that its glucose syrup/fatty alcohol suspension be free of water, *prior to acetalization*. . . ." The examiner agrees with this characterization of the reference. The present invention does *not* require the removal of water, but neither does it *preclude* the removal of water. The claims recite open "comprising" language that requires steps (a) through (f), but also allows for other steps.

An amendment to the claims precluding the Carduck drying/dehydration step may put the claims closer to allowance. However, it is noted that such an amendment would introduce limitations not previously considered, and as such, would not be entered as an after final amendment.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leigh Maier whose telephone number is (703) 308-4525. The examiner can normally be reached on Monday-Friday 7:30 to 4:00 (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Gary Geist (703) 308-1701, may be contacted. The fax phone number for Group 1600, Art Unit 1623 is (703) 308-4556 or 305-3592.

LCM

Leigh C. Maier
Patent Examiner

~~March 14, 2001~~

April 2, 2001